Is appeal no more than a means of effectuating non-compliance? Is long delay, even if followed by any compliance at all, other than non-compliance? Is it right and proper for appeals authority to compose letters that are designed to and if uncorrected succeed in covering up FBI violations of the Act, or, if presented to the Court, mislead the Court?

While your letter states honestly that I am responsible for whatever compliance will be forthcoming (and I appreciate this) why should the requester have to do this?

If the FBI's withholdings were accidental, as they were not, once the FBI was provided with correct information and knew its withholdings were improper why was it then necessary to involve the under-staffed and over-worked appeals authority to do no more than provide copies of records already processed for another? If this also not an FBI means of negating all compliance on appeal by creating long delays in appeals - and of enormously inflating all costs?

What is the function of Department counsel in Department and FBI FOIA cases? Is Department counsel any less an officer of the court or without the I believe traditional responsibilities of counsel?

What you now report in this self-serving letter was known to Department counsel a year ago. Did Department counsel have no responsibility under the Act to effectuate compliance by the FBI promptly, particularly because the records were already processed and required no more than xeroxing? Or did Department counsel, once you were involved by the Court, have no responsibility about informing you?

Are those whose responsibilities include enforcing the laws not themselves to live within the laws? If they do not, whatever their response, can they be trusted to enforce laws or to prosecute those they believe have violated other laws?

In any large bureaucracy it is always easy for anyone to pretend that responsibility lies elsewhere but if in fact each does not meet his responsibility fully can any bureaucracy keep within the laws?

This is not the first recent occasion I've had to draw attention to self-serving letters that can be misused to mislead the Court and it is not the only recent case. It would, I believe, be much better and could do much toward approaching a correct end to this and other cases if straightfoward letters are used rather than those that are not faithful to fact, are misleading and are susceptible of misuses, whether in files for the future or for presentation to a court.

I hope you will give this some thought and substitute a letter that is in accord with the actualities.

Sincerely,

Harold Weisberg